

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 15-00059-01-CR-W-DGK
)	
MARCO D. WHITLEY, SR.,)	
)	
Defendant.)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on August 5, 2015. Defendant Whitley appeared in person and with appointed counsel Ronna Holloman-Hughes. The United States of America appeared by Assistant United States Attorney Patrick Edwards.

I. BACKGROUND

On June 23, 2015, a superseding indictment was returned charging Defendant with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), one count of possession with intent to distribute marijuana, in violation of 21 U.S.C. §§ 841(a) and (b)(1)(C), one count of possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a) and (b)(1)(C), and one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

The following matters were discussed and action taken during the pretrial conference:

II. TRIAL COUNSEL

Mr. Edwards announced that Bruce Clark will be the trial counsel for the government.

The case agent to be seated at counsel table is Detective Frank Rorabaugh, Kansas City, Missouri Police Department.

Ms. Holloman-Hughes announced that she will be the trial counsel for Defendant Whitley.

III. OUTSTANDING MOTIONS

Defendant's motion to suppress (Doc. No. 21) remains pending. A Report & Recommendation was filed on July 29, 2015, with objections due on August 11, 2015.

IV. TRIAL WITNESSES

Mr. Edwards announced that the government intends to call 6 witnesses without stipulations during the trial.

Ms. Holloman-Hughes announced that Defendant Whitley does not intend to call any witnesses during the trial. Defendant will testify.

V. TRIAL EXHIBITS

Mr. Edwards announced that the government will offer approximately 20 exhibits in evidence during the trial.

Ms. Holloman-Hughes announced that Defendant Whitley will not offer any exhibits in evidence during the trial.

VI. DEFENSES

Ms. Holloman-Hughes announced that Defendant Whitley will rely on the defense of general denial.

VII. POSSIBLE DISPOSITION

Ms. Holloman-Hughes stated this case is definitely for trial.

VIII. STIPULATIONS

Stipulations are not likely.

IX. TRIAL TIME

Counsel were in agreement that this case will take 2 days to try.

X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed June 9, 2015, counsel for each party file and serve a list of exhibits he/she intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by August 5, 2015;

That counsel for each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, August 12, 2015;

That counsel for each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions¹ by or before noon, Wednesday, August 12, 2015. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and by e-mail to the trial judge's courtroom deputy.

XI. UNUSUAL QUESTIONS OF LAW

There are no unusual questions of law.

¹Counsel in all cases assigned to be tried before Judge Fernando Gaitan, Jr., as reflected in the trial letter, shall meet and prepare a packet of agreed proposed jury instructions to be submitted to Judge Gaitan and e-mailed to marylynn_shawver@mow.uscourts.gov and rhonda_enss@mow.uscourts.gov by August 14, 2015. To the extent there are disagreements to certain instructions, each attorney shall tab and submit his or her preference on those instructions. The instructions shall be listed in the order they are to be given.

XII. TRIAL SETTING

Defendant would like to enter a plea of guilty to count one, and proceed to trial on the remaining counts. All counsel and Defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on August 17, 2015.

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 5, 2015
cc: Mr. Kevin Lyon